

# REALISING REFUGEE PROTECTION IN THE REGION: HOW DONORS CAN SUPPORT HOST STATES IN SOUTHEAST ASIA

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# EXECUTIVE SUMMARY

This paper addresses the critical issue of refugee protection in Southeast Asia, a region that hosts a significant number of refugees but struggles with providing adequate protection and rights due to various challenges, including a lack of legal frameworks, funding, and regional cooperation. The focus is on the role donor states, especially those in the Global North, can play in supporting Southeast Asian host states to enhance access to protection and durable solutions.

## CONTEXT AND CHALLENGES

Southeast Asia faces unique challenges in refugee protection. Many states in the region have not ratified the 1951 Refugee Convention, resulting in a lack of formal legal frameworks for refugee protection. This situation leaves refugees vulnerable, with limited access to essential services, legal work opportunities, and pathways to durable solutions. The paper discusses these challenges in detail, outlining the complex political, social, and economic factors that contribute to the precarious situation of refugees in the region.

## INCREMENTAL APPROACH FOR CHANGE

Recognising the complexities of the regional context, the paper advocates for an incremental approach to refugee rights enhancement. It suggests that donor states should support host states through a series of practical, context-sensitive steps, rather than pushing for wholesale adoption of international refugee law standards, which are not immediately feasible. This approach is grounded in the understanding that small, steady improvements can lead to significant long-term changes in refugee protection and long-term solutions for displaced communities.



John Isaac / UN Photo

## EMERGING OPPORTUNITIES IN SOUTHEAST ASIA

Despite the challenges, there are emerging opportunities for enhancing refugee protection in Southeast Asia. The paper identifies recent positive developments in Thailand, Malaysia, and Indonesia, which indicate a growing recognition of the need for improved solutions for refugees. These include policy reforms, pilot projects for refugee work permits, and local integration initiatives. These developments provide a foundation upon which further improvements can be built.

## STRATEGIES FOR DONOR STATES

The paper outlines several key strategies for donor states to support refugee protection in Southeast Asia:

- 1. Diplomatic Engagement:** Diplomatic efforts can be geared towards encouraging host states to adopt more refugee-friendly policies and to engage constructively in regional and international dialogues on refugee protection.
- 2. Targeted Aid and Capacity Building:** Donor states can offer targeted financial aid and capacity-building initiatives to strengthen the institutional capacity of host states in managing refugee situations effectively.
- 3. Strategic Use of Resettlement:** Donor states can use resettlement not only as a durable solution for refugees but also as a tool to encourage host states to improve their refugee protection regimes.
- 4. Complementary Pathways:** Supporting complementary pathways, such as education and employment visas, can provide refugees with alternative avenues to safety while also recognising the skills and contributions that refugees bring to host and resettlement states.

## RECOMMENDATIONS

This paper proposes a number of recommendations for donor states wishing to improve refugee protection in Southeast Asia. Key recommendations include:

- Engage in sustained and constructive dialogue with host states.
- Increase aid and capacity-building initiatives, especially to NGOs and RLOs working directly with refugees.
- Consider how resettlement programs can be used strategically to also leverage protection in host states.
- Utilise complementary pathways to expand access to protection in resettlement states and access to work and education in host states. Provide flexible and targeted support that respects the sovereignty and unique contexts of host states.
- Use their influence in international forums to advocate for enhanced refugee protection in Southeast Asia.
- Ensuring that any such cooperation and support is provided in good faith and in a way that increases international refugee protection.



# INTRODUCTION

There are approximately 3.8 million refugees, people seeking asylum and stateless people in Southeast Asia, most of whom have no access to the durable solutions of repatriation, resettlement, or local integration. Many refugees have remained in states of first asylum for decades, and sometimes for generations. Some have attempted to seek asylum further afield, often via dangerous journeys at sea. Most states in Southeast Asia have not ratified the 1951 Refugee Convention, and provide limited protection or rights for refugees in their territories. While these states often refrain from providing formal local integration in the form of permanent residency and citizenship, there are positive developments and opportunities to encourage states in the region to work towards the implementation of basic rights for refugees.

For many years, governments, civil society, and academics have been calling for a regional framework to improve access to protection for refugees in Southeast Asia<sup>2</sup>. Such a proposal is often framed around large multilateral agreements and encouraging states in the region to ratify the 1951 Refugee Convention and agree on a form on responsibility sharing and equitable hosting arrangements. While these regional frameworks are indeed good goals, they are unlikely to be implemented in the foreseeable future, leaving refugees currently in the region stranded without access to protection or durable solutions.

Instead, this paper focuses on practical steps that donor states, especially those in the Global North, can take to support host states in Southeast Asia to improve access to protection. This paper outlines the current tools states have at their disposal to influence positive change, and also outlines some potential opportunities for achieving this change. These proposals are modest and achievable, yet will also bring significant benefits to refugee communities in Southeast Asia. They can be implemented on a case-by-case basis when opportunities arise, leading to gradual but important steps to realising refugee protection in the region.



## METHODOLOGY

This Expert Commentary was informed through in-depth discussions with several Non-Governmental Organisations (NGOs) and Refugee-Led Organisations (RLOs) working in Southeast Asia, with a focus on Thailand, Malaysia and Indonesia. It was supplemented by desk research of recent policy reports and academic literature on refugee protection in Southeast Asia.



# REFUGEES IN SOUTHEAST ASIA & PRACTICAL STEPS TOWARDS REFUGEE PROTECTION



Saumya Khandelwal/The New York Times

In the midst of an escalating global crisis of forced displacement, Southeast Asia stands at a critical juncture in terms of refugee protection. The unprecedented number of refugees and asylum seekers worldwide continues to escalate each year, posing significant challenges to international law, human rights, and humanitarian responses.

The refugee situation in Southeast Asia is complex and multifaceted, shaped by a range of socio-political and economic factors. States like Myanmar have been major sources of refugees, notably the Rohingya, who have faced severe persecution and human rights violations, leading to large-scale displacement into neighbouring states, especially Bangladesh. Thailand and Malaysia, while not signatories to the 1951 Refugee Convention, host significant numbers of refugees and asylum seekers, often in legal limbo due to their lack of formal refugee status recognition. These refugees face challenges such as limited access to legal employment, education, and healthcare. The region also sees mixed migration flows, including economic migrants and victims of trafficking, further complicating the refugee landscape. The response of Southeast Asian governments varies, with some implementing stringent policies to deter asylum seekers, while international and local NGOs strive to provide support and advocate for refugees' rights amidst this challenging environment.

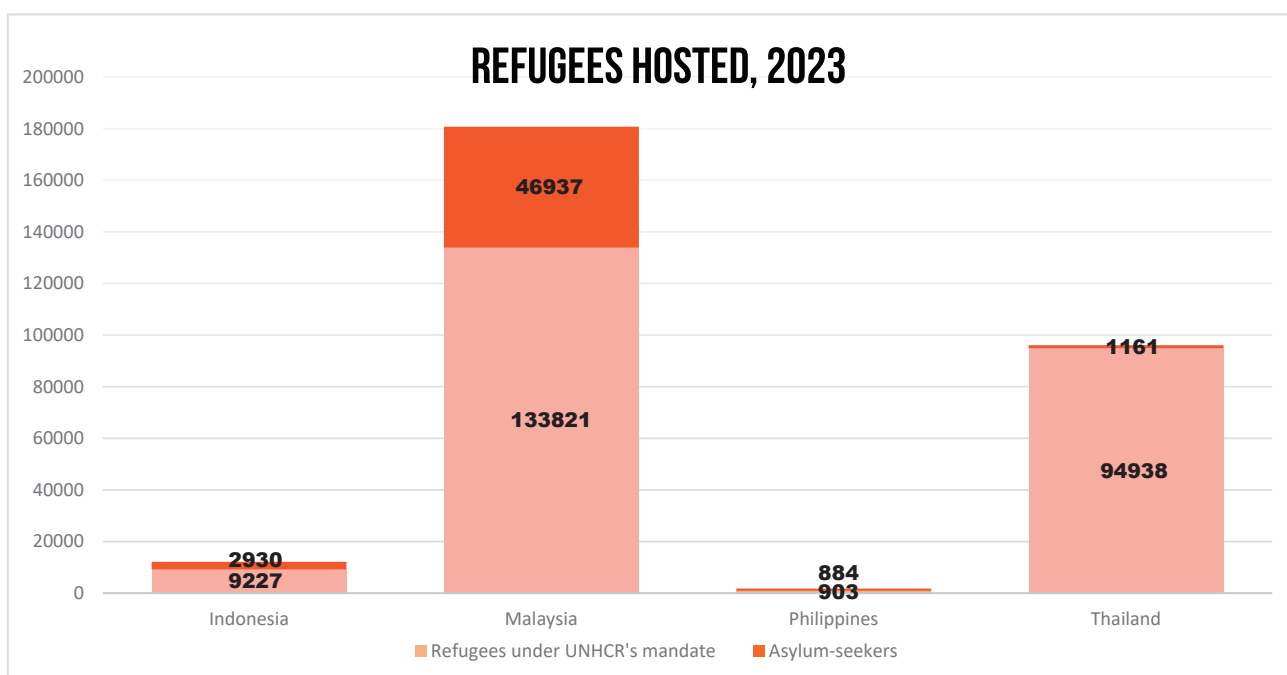


Figure 1 Refugees in Indonesia, Malaysia, Philippines and Thailand, 2023. Source: UNHCR<sup>1</sup>



Most states in Southeast Asia are opposed to formally signing the Refugee Convention, citing several political, economic and social reasons<sup>3</sup>. While these states may formally oppose local integration, there are small positive steps that can be achieved to improve access to protection for refugees in the region, which provide beneficial outcomes to both host states and refugees. These steps should be considered in the absence of a larger framework that seeks to improve access to protection over time.

Since 2012, the Refugee Council of Australia has been advocating for an incremental process of change in the region, which would begin with the most pressing needs of refugees and move gradually towards an agreed and common regional strategy to protect refugees. RCOA has outlined 10 interconnected steps that could be taken in any order, country by country, as opportunities arise<sup>4</sup>:

- *Removing current barriers to existing refugee status determination procedures*
- *Creating space for and supporting NGOs and RLOs to provide vital services to refugees and people seeking asylum*
- *Granting people seeking asylum legal permission to remain while refugee status is determined*
- *Developing and implementing alternatives to immigration detention*
- *Granting refugees and people seeking asylum the right to work*
- *Providing access to basic government services, including education and health*
- *Providing refugees with access to durable solutions*
- *Developing national asylum legislation*
- *Promoting ratification of the Refugee Convention*
- *Building greater regional consistency in asylum processes and protection strategies, supported by equitable sharing of responsibility for refugees, based on national capacity.*

These steps ultimately provide a pathway to realising refugee protection in the region. While some may take years to achieve, such as ratification of the 1951 Refugee Convention and a regional responsibility-sharing agreement, more urgent steps should be addressed as soon as practicable.





# PROMISING DEVELOPMENTS IN REFUGEE PROTECTION IN SOUTHEAST ASIA

Recent developments in Southeast Asia show that there are some positive steps states are taking towards refugee protection. These developments provide useful opportunities for donor states to build upon.

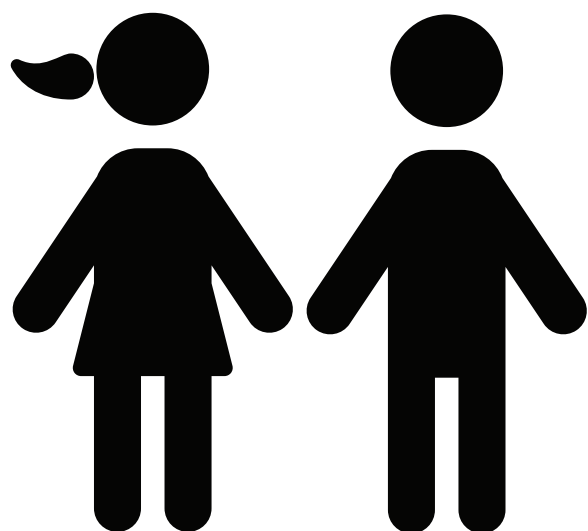
## THAILAND

Thailand has recently implemented a National Screening Mechanism (NSM), after introducing regulations in 2019<sup>5</sup>. The NSM will assess applications from people unable or unwilling to return home due to a well-founded fear of persecution. The NSM is still in its infancy, but it is understood that it will assist the Thai Government in identifying refugees, and ensuring they are referred to relevant services for support.

The NSM process does not grant refugees a visa or any rights. There are also concerns about the process for those not found to be refugees, with NGOs concerned that people may be detained or deported. As such, many refugees are fearful of applying to the NSM. There are also notable exclusions to the NSM, such as Rohingya refugees being prohibited from accessing it. However, the NSM represents a positive step in developing a national law and process to identify refugees and provides opportunities for NGOs and other states to build on this positive step. For example, donor states may wish to support the development and training of government officials involved in the NSM process and ensure that those identified as refugees are provided with protection and a pathway to a durable solution.



Saumya Khandelwal/The New York Times



Thailand has also made positive steps towards Alternative to Detention (ATD), presenting opportunities for donor states to support ongoing developments towards ending the practice of immigration detention. In January 2019, Thai Government Officials signed the Memorandum of Understanding on the Determination of Measures and Approaches Alternatives to Detention of Children in Immigration Detention Centres (the ATD MOU). The general principles of the ATD MOU provide that children should not be detained unless there is an “absolute necessity”, that family-based care should be prioritised, and the best interests of the child must inform decision-making. Children and their family members released under the ATD MOU are supported in the community by NGOs<sup>6</sup>. However, children are still subject to detention, and may often be separated from their family members, who often remain in detention.

In December 2023, Thailand also made pledges at the Global Refugee Forum. These include commitments to enhance access to education and skills development for forcibly displaced and stateless children, expand cooperation with other states to find durable solutions for persons in need of international protection, and withdraw its reservation to Article 22 of the Convention on the Rights of the Child, which ensures the rights of children seeking refugee protection<sup>7</sup>.





Ahmed Akacha/Pexels

## MALAYSIA

On February 15, 2023, Home Affairs Minister for Malaysia publicly announced the release of certain children in immigration detention centres to non-governmental welfare organisations<sup>8</sup>. This development follows 12 years of advocacy from civil society, NGOs, UNHCR and think tanks to end child detention in Malaysia. There are currently approximately 1,382 children in immigration detention centres in Malaysia, and it is hoped that the announcement will bring about the end of child detention. However, the process is still in progress, with children being released to transit centres, rather than community-based arrangements. Further, only a handful of children have been released at the time of writing through this pilot program. As Low explains:

*While all these messages are promising signs, it is equally important to note that the announcement does not translate into a clear pledge, plan, or program to end child detention altogether. At this stage, the Home Minister has committed to releasing children currently in immigration detention centres but stopped short of saying that all children will be exempted from arrest and detention in the future<sup>9</sup>.*

Nevertheless, this development is welcome and represents positive steps in Malaysia to end the practice of detention, which would hopefully extend to all refugees and people seeking asylum.

## INDONESIA

In 2016, the Indonesian President implemented Presidential Regulation 125 of 2016<sup>10</sup>. This welcome development defined refugees under Indonesian law and provided a process for handling refugees in Indonesian territories, including referrals to UNHCR and IOM. While it did not provide any rights for refugees nor a legal right to remain, the regulation ensures that refugees are provided with de facto protection from refoulement until they are resettled or returned. It is understood that further amendments to the 2016 regulation are being considered by the government. Importantly, Presidential Regulation 125 provides for a mechanism for handling refugees at sea, and for the accommodation and welfare of those rescued. Given the recent Rohingya arrivals in Aceh, donor states may wish to support Indonesia in developing burden sharing and joint responsibility schemes that will strengthen processes for receiving and supporting refugees<sup>11</sup>.

In 2018, Indonesia ended its practice of detaining refugees, corresponding with Australia's change of policy in funding such detention through IOM<sup>12</sup>. In 2019, Indonesia allowed children to attend primary education and some secondary education. It is also understood that Indonesia is working on opportunities for some refugees to undertake vocational training in certain industries and work-experience opportunities.

These developments present positive steps that donor states and others can support to encourage host states to continue to progress refugee rights in the region.



Mahmodul Hassan/News9live



# PROMISING DEVELOPMENTS IN REFUGEE PROTECTION IN SOUTHEAST ASIA

The following section details how donor states can support improved protection in Southeast Asia. These options can include the strategic use of resettlement, aid and capacity building, and utilising diplomatic channels to encourage the development of local refugee rights.

## DIPLOMACY

Donor states seeking to support host states have a range of diplomatic tools at their disposal. While multilateral agreements are indeed useful for achieving harmonious policies across the region and ensuring regional cooperation, they often require sustained and long-term diplomatic engagement. Bi-lateral or mini-lateral diplomacy may be more attractive in the short term, as a way to move towards regional commitments on refugee protection. Mini-lateral diplomacy refers to a form of diplomacy that involves a small number of states working together on specific issues, often in a regional context. This type of diplomatic engagement is particularly useful in cases where global or large-scale multilateral negotiations may be too cumbersome or slow to address urgent matters effectively. It is characterised by the flexibility, speed, and issue-specific nature of its initiatives, allowing participant states to focus on practical solutions to shared challenges.

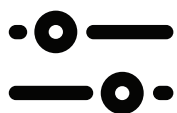


Saumya Khandelwal/The New York Times

Mini-lateral diplomacy could be used to enhance refugee protection in Southeast Asia in the following ways:



**Focused Cooperation:** A mini-lateral approach can allow a subset of ASEAN states that are particularly affected by or interested in refugee issues to devise targeted strategies for protection, sharing of burdens, and resettlement, without requiring consensus from all member states.



**Enhancing Capacity:** It can facilitate capacity building where more developed nations in the region can assist less developed nations in creating better infrastructure for refugee processing and integration.

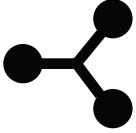


**Sharing Best Practices:** States can share best practices and policies that have been successful in providing protection to refugees, such as community sponsorship models or successful integration programs.





**Joint Advocacy:** A mini-lateral group could exert collective diplomatic pressure on states of origin to improve conditions and respect for human rights, potentially reducing the number of people forced to flee.



**Resource Mobilization:** By working together, a few states can pool resources to fund larger initiatives for refugee protection than they could afford individually.



**Facilitating Dialogue:** Mini-lateral diplomacy can serve as a precursor or complementary process to larger ASEAN-wide dialogues, laying the groundwork for broader agreements and cooperation.



**Crisis Response:** In the event of a sudden influx of refugees, a mini-lateral framework could allow for a rapid and coordinated response, distributing aid and providing temporary shelter more effectively.



**Policy Experimentation:** Mini-lateral arrangements can act as 'policy laboratories' for innovative approaches to refugee protection, which, if successful, can be scaled up or adopted by other states.



**Non-State Actors:** Such a diplomatic approach can also actively involve non-state actors such as NGOs, civil society, and international organisations, which can bring expertise and additional resources to the table.

There are a number of diplomatic forums which donor states can utilise to encourage further improvements in refugee protection in Southeast Asia. Most states in the region have signed the Global Compact for Safe, Orderly and Regular Migration (GCM) and the Global Compact on Refugees (GCR) – committing to uphold the rights of refugees and cooperation in finding durable solutions. One potential opportunity is the upcoming Asia-Pacific Regional Review of the Global Compact for Migration, due to start in 2024. These reviews provide an opportunity for increased regional collaboration on migration and refugee issues<sup>13</sup>.

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime is a non-binding, international, multilateral forum to facilitate cooperation and collaboration, information-sharing and policy development on irregular migration in the Asia-Pacific region<sup>14</sup>. While in the past the Bali Process has been focused on a deterrence and security approach to refugees and people seeking asylum,<sup>15</sup> often led by Australia, there is scope for member states to utilise this forum to encourage policies that promote the protection of refugees, address root causes, and advance durable solutions. The Bali Process can be re-invigorated to shift a focus towards refugee protection, through the leadership of member states and UNHCR.

A further consideration for donor states seeking to support host nations to improve refugee protection is the creative use of trade, migration and other diplomatic solutions. Donor states may wish to make agreements to ease migration opportunities for citizens of states which are hosting refugees, in return for increased rights for refugees in those states. For example, the EU-Turkey Statement and Action Plan offered to ease visa requirements for Turkish Citizens in exchange for Turkey hosting Syrian refugees<sup>16</sup>.

## AID

Aid remains an essential lifeline for refugees in Southeast Asia. Unfortunately, the level of support set aside for displaced people in the region has been declining, with significant humanitarian repercussions<sup>17</sup>. A significant increase in aid to refugees in the region is urgently needed, especially as the humanitarian situation in Bangladesh refugee camps worsens. The significant reduction in international aid to refugee camps in Bangladesh, housing around a million mostly Rohingya people, is a key factor driving the recent surge in dangerous boat journeys in the region.

Development institutions like the Asian Development Bank (ADB) and the World Bank have substantial roles to play in supporting states in Southeast Asia that are hosting refugees. These roles can be amplified by donor states who wish to channel their support in a way that is both effective and sustainable<sup>18</sup>.



Several strategies through which this can be achieved include:



**Financial Assistance:** Donor states can contribute funds to these institutions, earmarked for projects specifically designed to assist refugee-hosting states. This can include grants, concessional loans, and technical assistance that can be used for infrastructure development, such as building schools, health facilities, and housing for refugees.



**Capacity Building:** The ADB and the World Bank can help build the administrative and institutional capacity of refugee-hosting states. This might involve training public officials, improving data collection systems, or supporting the development of national asylum systems. This is discussed below.



**Economic Integration:** Development institutions can fund programs that facilitate the economic integration of refugees, such as vocational training, language classes, and entrepreneurship programs. This aids not just the refugees but also the local economies of the host states.



**Community Support Projects:** Projects that benefit both refugee and host communities can foster goodwill and reduce tension. This could include infrastructure improvements like water and sanitation, electricity, roads, health, education and community centers.



**Risk Mitigation:** The World Bank and ADB can provide financial products that mitigate the fiscal risks host states may face due to volatile refugee flows, such as contingent credit lines that become available in the case of a refugee influx.



**Engaging the Private Sector:** They can also leverage their contacts and credibility to engage the private sector in supporting refugee-hosting areas, encouraging investment in areas where refugees can be part of the workforce.

Through these strategies, development institutions, supported by donor states, can play a crucial role in ensuring that states hosting refugees in Southeast Asia are equipped to manage the challenges they face while maximizing the potential benefits that refugees can bring to their host communities.

It is imperative that support is provided strategically, utilising multi-year funding models to ensure that projects are able to achieve their goals, rather than short term stop-gap measures. Too often, aid is provided when media and public attention highlights a humanitarian crisis, but it is too often taken away again once public concern turns to the next crisis. This leads to unmet goals and is both ineffective and a waste of resources. Aid should also be used strategically to encourage partnerships and agreements with host states, and to achieve broader durable solutions.

Many NGOs and RLOs consulted noted that Thailand, Malaysia and Indonesia are less dependent on aid, as middle-economic states. However, aid is still urgently needed to support local NGO and RLO initiatives that provide livelihood support to refugees in these states, especially while the rights of refugees in these states have not been realised. Such use of aid should align with strategic protection objectives in the region, including utilising aid to support steps towards refugee inclusion and self-reliance.





## THE STRATEGIC USE OF RESETTLEMENT

The strategic use of resettlement refers to the deliberate and planned use of resettlement programs to yield benefits that extend beyond the immediate act of resettling refugees<sup>19</sup>. This concept involves utilising resettlement not just as a means to provide safety and stability for individual refugees but also as a tool to achieve broader objectives in the refugee protection regime, especially for refugees who remain in host states. This strategic approach aims to enhance the overall protection environment, influence the policies and attitudes of host states towards refugees, and contribute to the resolution of protracted refugee situations<sup>20</sup>. Given that available resettlement numbers worldwide will never address refugee protection needs on their own, this approach seeks to integrate resettlement within a broader strategy that aims to both provide third-country resettlement to those who are most in need, while also leveraging such acts of international solidarity to encourage host states to improve the lives of refugees who remain.

A significant number of refugees have been resettled out of Southeast Asia over the last 20 years. From 2003 to 2023, Thailand had 123,477 resettlement departures and Malaysia had 103,210 departures. Globally, this places them within the top five host states from which refugees have been resettled. However, there has been very little improvement in refugee protection in Thailand or Malaysia over this period. More can and should be done to encourage states that are receiving international solidarity from resettlement to improve the rights of refugees who remain. Resettlement states (which are also often donor states) should seek to use resettlement as part of a multi-faceted approach to support host states to protect refugees that remain.

One concern from host nations is that an increase in resettlement out of the country will encourage more refugees to arrive. However, research shows that the allocation of a relatively small number of resettlement places does not play a large role in refugee decision-making in terms of where people flee to, which is mostly based on territorial access and community ties<sup>21</sup>. Refugees will continue to arrive in host states as long as the reason for their flight (i.e. continued persecution in their home country) remains<sup>22</sup>.

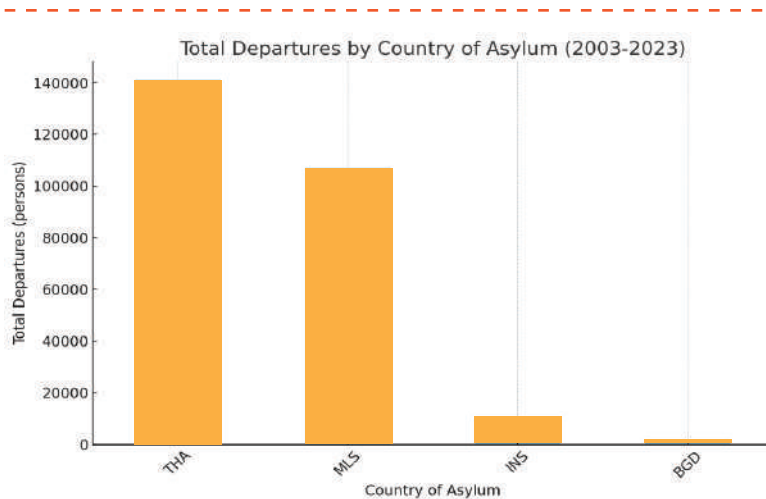


Figure 2 Total Resettlement Departures by Country of Asylum (2003-2023). Source: UNHCR.



## COMPLEMENTARY PATHWAYS

Complementary pathways refer to the use of alternative migration opportunities for refugees to move to a third state, outside of formal resettlement pathways. There is significant interest in the use and expansion of complementary pathways around the world, including through skilled labour programs, education, community sponsorship and family reunions.

Much like resettlement, complementary pathways will never be able to solve the needs of all refugees. However, they provide innovative initiatives to recognise the benefits that refugees bring to resettlement states. Like resettlement, complementary pathways should also be used strategically to achieve benefits for both the resettlement country, as well as the host country and the remaining refugees. As complementary pathways recognise that refugees have skills and attributes that can benefit states, this paradigm shift can be used to encourage host states to also recognise the benefits of refugees within their territories.



One such complementary pathway in the region is the development of education pathways, as the Philippines has recently demonstrated. The Complementary Pathways (CPath) programme of the Philippines provides select Rohingya refugees displaced in Southeast Asia with a safe and regulated avenue of admission and stay in the Philippines through education, so that their protection needs and basic rights can be met. Japan also provides an education pathway for refugees<sup>23</sup>.

Complementary pathways can be a strategic tool to encourage host states to re-evaluate their perception of refugees. In turn, this can encourage host states to grant access to education and employment for refugees, recognising that states can benefit from the skills and experience that refugees in their territories have. However, a key requirement of complementary pathways is that the pathway must also include access to a durable solution, whether in the host state or the resettlement state. This may involve moving from a student to a skilled visa, and eventually to citizenship in the resettlement country, or perhaps even returning to the host country on a skilled visa after qualifications have been obtained.

## STATE CAPACITY BUILDING

In order to support states in Southeast Asia to improve protection of refugees, donor states should invest in capacity building initiatives to help host states respond effectively to the needs of refugees in their territories. In a recent policy paper, Dr Brian Barbour highlights the needs for host states to increase their capacity to respond to the needs of refugees in their territory. He defines Asylum Capacity Development (ACD) as ‘the process of developing institutional, national, and local capacity so that states and UNHCR, in collaboration with individuals, organisations, and society as a whole, can each do their part to meet the protection needs of refugees and resolve protection claims effectively, efficiently, fairly and sustainably<sup>24</sup>. This may include developing a national Refugee Status Determination (RSD) procedure, ensuring systems are in place to respond to vulnerable refugees and people seeking asylum, developing a system of identification and registration of refugees, and managing borders consistent with human rights obligations, among other initiatives.

Donor states should invest in developing the capacity of host states to respond to refugee needs, on a case-by-case basis. This can be through sharing technical expertise with local counterparts, providing training to front-line officers, resourcing and information sharing.

Such examples includes the Regional Peer-Learning Platform and Program of Learning and Action on Alternative Care Arrangements for Children in the Context of International Migration in the Asia Pacific<sup>25</sup>, which brought together individuals from policy and implementing agencies in the governments of Thailand, Indonesia, Malaysia, Australia, and New Zealand as well as civil society and international organisations, in order to share positive practice and concrete examples of best practice in terms of alternatives to detention for children. Another example is UNHCR’s Asylum Capacity Support Group, which aims to promote asylum capacity support between States and other stakeholders, primarily by matching State commitments for improvements in the fairness, efficiency, integrity, and adaptability of national asylum systems and requests for support, with corresponding offers of support made by States or other stakeholders<sup>26</sup>. A third example is the development of a mobile-based application to assist border officials in identifying refugees and referring them to appropriate services<sup>27</sup>. The ‘UNHCR-RSO Screening and Referral Toolkit Mobile Application’ is designed ‘to build the capacity of border officials in identifying persons with specific needs arriving at the border (e.g., victims of trafficking, asylum-seekers, unaccompanied children) and facilitating their referral to specialised services<sup>28</sup>.’

## REFUGEE CAPACITY BUILDING

Donor states can also support capacity-building initiatives to refugees in Southeast Asia, such as language tuition, resilience and mental health workshops, and community leadership initiatives. Such initiatives would support refugees to advocate for themselves and improve their self-sufficiency, especially in situations where they have very limited formal rights.

For example, the Asia Pacific Network of Refugees (APNOR) hosts the Refugee Leadership Alliance Pooled Pilot Fund, which aims to “provide core funding directly to Refugee-Led Organisations and initiatives working across the Asia region, to gain recognition and access sustainable resources.” The fund recognises that refugees are “the first and last people responding to [their] community’s needs. Despite doing this vital work, Refugee-led Organizations are desperately underfunded, and face bureaucratic hurdles<sup>29</sup>.”

Likewise, APNOR and Act for Peace’s report *In endless transit: Contributions and challenges for Refugee-Led Initiatives in Indonesia* recommends that “donors consider ways to provide enhanced support to RLIs in Indonesia through funding, capacity-building support and other avenues, including by investigating ways to support RLIs to reap the benefits of registration<sup>30</sup>.”

Donor states have an important role in supporting RLOs to provide essential support to their communities. Recognising the contributions that RLOs also bring to the host community, host states should also work towards supporting RLOs to register and establish themselves in the host country, so that they can come under the legal requirements of the host state, as well as receive funding and formally register as an organisation.





# ENSURING GOOD-FAITH REGIONAL COOPERATION

The end goal of any regional cooperation should be to enhance access to refugee protection, rather than to outsource or avoid international obligations to refugees. Too often, western nations have misused the concept of regional cooperation in order to push responsibilities onto host and transit states and reduce the number of refugees arriving in their states. Such arrangements are not in the spirit of the Refugee Convention, which relies on international solidarity and cooperation to ensure access to protection. To this end, donor states must ensure that they lead by example in demonstrating a commitment to refugee protection in their own laws and policies and that any regional cooperation is done in good faith to support host states to improve access to protection.

## CONCLUSION

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This paper has highlighted the complex and multifaceted challenges facing refugees in Southeast Asia and outlined a range of strategic measures that donor states can employ to enhance refugee protection in the region. Through a careful examination of the current situation, emerging opportunities, and the potential roles of donor states, we can see that there is a path forward towards improving the rights and living conditions of refugees in Southeast Asia.

Central to this approach is the recognition of the importance of incremental, practical steps that can be taken on a case-by-case basis. This strategy acknowledges the diverse political, economic, and social contexts of host states while providing a flexible framework for gradual improvement in refugee rights. The positive developments in Thailand, Malaysia, and Indonesia serve as promising examples of where donor states, NGOs and RLOs can work to steadily improve access to protection.

Donor states have a crucial role to play in this process. By strategically utilising resettlement and complementary pathways, offering targeted aid, investing in capacity building, and leveraging diplomatic channels, these states can significantly influence the regional refugee protection landscape. This approach not only benefits the refugees but also the host states by fostering a more stable and prosperous regional environment.

In conclusion, while the challenges are significant, this paper demonstrates that there are viable and practical ways forward. By adopting a collaborative and strategic approach, donor states can significantly contribute to the realisation of refugee protection in Southeast Asia, paving the way for a more humane and effective regional refugee protection regime.



# ENDNOTES

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# REALISING REFUGEE PROTECTION IN THE REGION: HOW DONORS CAN SUPPORT HOST STATES IN SOUTHEAST ASIA

DR ASHER HIRSCH  
ASIA DISPLACEMENT SOLUTIONS PLATFORM – EXPERT COMMENTARY  
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